

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

PETITION FOR REMOVAL OF CIVIL ACTION

PLEASE TAKE NOTICE Defendant, MIDLAND FUNDING, LLC (hereinafter referred to as "Midland"), hereby removes to this Court the state court action described below.

1. On or about June 26, 2020, Plaintiff filed an action via Writ of Summons in the Court of Common Pleas of Allegheny County, State of Pennsylvania, entitled and captioned: *Duane Schaffer v. Midland Funding, LLC* and assigned Case No: GD 20-007179 via Praeclipe for Writ of Summons.

2. Undersigned counsel became aware of the filing of the Complaint on or shortly after October 19, 2020. Plaintiff's counsel did not serve the Complaint until November 17, 2020. Plaintiff did file the Complaint within the deadline of the Rule to File; however, failed to serve it upon filing.

3. The following pleadings have been filed in this action to date:

- (a) Praecept for Writ of Summons;
- (b) Affidavit of Service of Writ of Summons;
- (c) Praecept for Appearance;
- (d) Praecept for Rule to File Complaint

- (e) Complaint;
- (f) Confidential Exhibit form; and
- (g) Notice of Filing of Petition for Removal of a Civil Action.

See pleadings attached hereto as Exhibit “A”.

4. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. §1331, and is one which may be removed to this Court by Defendant pursuant to the provisions of 28 U.S.C. §1441(b) in that it arises under the Fair Debt Collection Practices Act (“FDCPA”) 15 U.S.C. §1692(a), *et seq.*

5. The Court of Common Pleas of Allegheny County, Pennsylvania, Civil Division, is located within the jurisdiction of the United States Court for the Western District of Pennsylvania. This Court is the court embracing the place where the action is pending.

6. This Complaint is removable to the United States District Court for the Western District of Pennsylvania, from the Court of Common Pleas of Allegheny County, Pennsylvania, Civil Division pursuant to 28 U.S.C. §1331, §1441 and §1681.

7. The Complaint alleges the action is brought under the FDCPA. As such, this Court has federal question jurisdiction over this action pursuant to 28 U.S.C. §1331.

8. This Notice of Removal is being filed within 30 days of the date upon which Plaintiff’s Complaint was served.

9. Pursuant to 28 U.S.C. §1446(b), a Notice of Removal “shall be filed within thirty days after receipt by the Defendant, through service or otherwise, of a copy of the initial pleading.

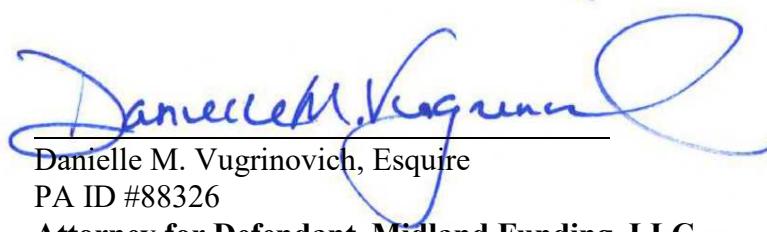
10. Concurrently, Defendant provided written notice of this Petition for Removal to Plaintiff's counsel and filed a copy with the Court of Common Pleas of Allegheny County, Pennsylvania, Civil Division, as required by 28 U.S.C. §1446(d).

WHEREFORE, Defendant removes to this Court the above-entitled action, now pending in the Court of Common Pleas of Allegheny County, Pennsylvania, Civil Division, and requests that this action be placed on the docket of this Court for further proceedings as though this action had originally been instituted in this Court.

Respectfully submitted,

**MARSHALL DENNEHEY
WARNER COLEMAN & GOGGIN**

BY:


Danielle M. Vugrinovich, Esquire
PA ID #88326

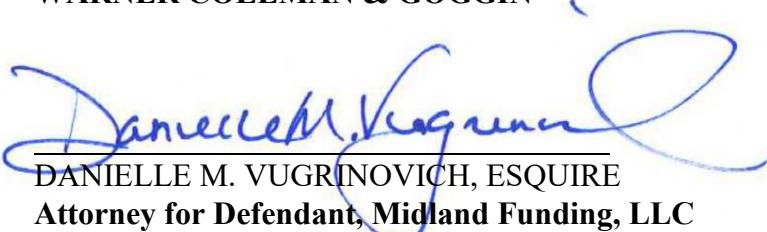
Attorney for Defendant, Midland Funding, LLC
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412 803-1188/fax
dmvugrinovich@mdwcg.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **Petition for Removal of a Civil Action** has been served upon the following known counsel of record this 18th day of November, 2020, via electronic mail:

Joshua P. Ward, Esquire
The Law Firm of Fenters Ward
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(Counsel for Plaintiff)

**MARSHALL DENNEHEY
WARNER COLEMAN & GOGGIN**


DANIELLE M. VUGRINOVICH, ESQUIRE
Attorney for Defendant, Midland Funding, LLC